

REMARKS

In the Final Action dated March 7, 2003, claims 21-24 are pending and are under consideration. The Examiner objects to the specification under 35 U.S.C. §132, allegedly because the previously submitted substitute Sequence Listing introduces new matter. In addition, the Examiner disapproves of the previously filed substitute drawing sheets, specifically, substitute Figures 9A and 9B, for allegedly introducing new matter. Moreover, the Examiner has rejected claims 21-24 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

By way of the instant response and in an effort to favorably advance the prosecution of the present application, Applicants respectfully withdraw the previously filed substitute drawing sheets of Figures 9A and 9B. Accordingly, the objection to the drawings is obviated. Withdrawal of the objection is respectfully requested.

As to the sequences, Applicants respectfully submit herewith a substitute Sequence Listing to replace the Sequence Listing of record. In the attached substitute Sequence Listing,, SEQ ID NOS: 1-6 and SEQ ID NO: 8 are identical to those as disclosed in the instant application when originally filed in the United States under 35 U.S.C. §371 on March 29, 1999. SEQ ID NOS: 10-15 in the attached Sequence Listing were presented in the Sequence Listing which was submitted in the Amendment dated December 27, 2002. SEQ ID NOS: 10-15 set forth the sequences which are disclosed in Figure-1, 8 and 9 as originally filed on March 29, 1999 in the present application.

As to SEQ ID NO: 7 and SEQ ID NO: 9 in the attached Sequence Listing, these sequences differ from the sequences as presented in the Sequence Listing originally filed in the present application. However, the sequences of SEQ ID NO: 7 and SEQ ID NO: 9 in the attached Sequence Listing are disclosed in Figure 8 and Figure 1, respectively, as originally filed in the instant application on March 29, 1999. Therefore, SEQ ID NO: 7 and SEQ ID NO: 9 in the attached Sequence Listing are fully supported by the application as originally filed under §371 on March 29, 1999.

During a telephone interview between Applicants' representative and the Examiner on April 30, 2003, the Examiner indicated that Applicants would be entitled to correct the errors in SEQ ID NO: 7 and SEQ ID NO: 9 which appeared in the original Sequence Listing, if the correct sequences find support in the application as filed under §371 on March 29, 1999. The Examiner requested that Applicants provide a side-by-side comparison of the sequences of SEQ ID NO: 7 and 9 with the sequences in the corresponding Figures.

In response to the Examiner's request, Applicants provide herewith a copy of newly formatted Figure 1 (**Exhibit A**), wherein the sheets Figure 1(i) and Figure 1(ii), as originally filed in the present application on March 29, 1999, are joined at the match line to become one sheet for convenience of comparison. A side-by-side comparison is provided herewith in (**Exhibit B**) to illustrate the identity of the bcl-w sequence in Figure 1 with the sequence of SEQ ID NO: 9 in the attached Sequence Listing. Similarly, Applicants provide herewith a copy of newly formatted Figure 8 (**Exhibit C**), wherein the sheets Figure 8(i) through Figure 8(iv), as originally filed in the present application on March 29, 1999, are joined at the match lines to become one sheet for convenience of comparison. A side-by-side comparison is provided

herewith in **Exhibit D** to illustrate the identity of the bcl-w sequence in Figure 8 with the sequence of SEQ ID NO: 7 in the attached Sequence Listing.

Therefore, Applicants respectfully submit that the attached Sequence Listing is fully supported by the present application as filed under §371 on March 29, 1999. No new matter is introduced. Attached hereto are also a computer-readable copy of the Sequence Listing and a statement under 37 C.F.R. §1.821(f) verifying the identity of the contents of the paper and the computer copy of the Sequence Listing.

Accordingly, the objection to the specification under 35 U.S.C. §132 on the ground that the Sequence Listing allegedly introduced new matter is overcome. Withdrawal of the objection is therefore respectfully requested.

As the attached Sequence Listing do not contain any new matter, Applicants respectfully submit that the rejection of claims 21-24 under 35 U.S.C. §112, first paragraph, is also overcome. Withdrawal of the rejection is respectfully requested.

In view of the foregoing remarks, it is firmly believed that the subject application is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,



Frank S. DiGiglio
Registration No. 31,346

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, New York 11530
Telephone: 516-742-4343
FSD/XZ:ab

Enclosures:

- Substitute paper and computer-readable copy of the Sequence Listing
- Statement under §1.821(f)
- Exhibits A-D